

**United States District Court
District of Massachusetts**

SCOTT T. BUXTON

PLAINTIFF

v.

**SPRINGFIELD POLICE DEPT., CITY OF
SPRINGFIELD, GERALD PHILLIPS,
PAULA MEARA, PHILLIP TARPEY,
OFFICERS MICHAEL HILL, RICHARD
JARVIS, ROBERT STRZEMPEK, JUAN
HERNANDEZ, JOSHUA ELLSWORTH,
CURTIS McKENZIE, DENIS PRIOR,
JUSAN ESTRADA, LT. JOHN DOE, SGT.
JOHN DOE, OFF. JOHN DOES OF THE
THIRD SHIFT, JODY CATELLIER, AND
3RD SHIFT BOOKING OFFICERS**

DEFENDANTS

CIVIL ACTION NO. 04-10352 MEL

**MOTION TO QUASH SERVICE
AND
MOTION TO DISMISS COMPLAINT**

NOW COME THE Defendants City of Springfield Police Department, its Chief of Police, Paula Meara, and its former Chairman of the Board of Police Commissioners, Gerald Phillips through their counsel, as well as MICHAEL HILL, RICHARD JARVIS, ROBERT STRZEMPEK, JUAN HERNANDEZ, JOSHUA ELLSWORTH, CURTIS McKENZIE, DENIS PRIOR, JUSAN ESTRADA, and JODY CATELLIER, through special appearance of counsel, and move to dismiss each and every Count contained in the Plaintiff's Complaint.

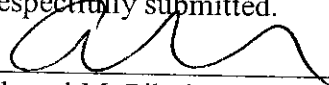
As grounds therefore, defendants state that Plaintiff failed to properly serve the complaint; and Plaintiff has failed to state a claim upon which relief can be granted. In the alternative, should any portion of the Complaint survive this motion, Defendants request that

service be effectuated by a means proper under the rules of Civil Procedure and that venue be changed to the Western Section of the court in Springfield.

In support, defendants rely on the pleadings filed in this case and this supporting memorandum of law submitted with the motion.

Dated: December 26, 2004

Respectfully submitted.


Edward M. Pikula, BBO #399770

Associate City Solicitor
CITY OF SPRINGFIELD LAW DEPARTMENT
36 Court Street
Springfield, Massachusetts 01103
Telephone: (413) 787-6085
Telefax: (413) 787-6173

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the within Answer was this day served upon Plaintiff by mailing copy of same or hand delivery to: Scott T. Buxton, MCI Shirley Medium, (W82608) PO Box 1218, Shirley, MA 01464, Plaintiff. SIGNED under the pains and penalties of perjury.

Dated: 12/27/2004

Edward M. Pikula, Esquire
